FINDINGS OF FACT AND CONCLUSIONS OF LAW

.

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Albert F. Baumgart. The Petitioner requests relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (three-car garage with attached carport) to be located within one foot of the side property line in lieu of the required 2.5 feet; from Section 400.3 of the B.C.Z.R. to permit an accessory structure with a height of 17 feet in lieu of the permitted 15 feet; and from Section 101 of the B.C.Z.R. to permit an accessory structure (footprint) to be larger than the primary dwelling, as more particularly described on Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion

PETITION FOR ADMINISTRATIVE VARIANCE

The undersigned, legal owner(s) of the property located in Beltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.

ACCONSORY BLOG TO BE LOCATED WITHIN ONE for of a sine

PROPERTY LINE IN LIEU OF THE PEQUIRED 2.5 FT; FROM

Live agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this patition, and further agree to and are to be bound by the soming regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for

4000 TO property AN ALLESS CALL STRUCTURE WITH A HT. OF 17 400000 of the Zoning Regulations of Baltimore County for the following reasons: (influent hardship or provided difference)

IN LIEU OF THE REDUIRED 15; AND FROM \$101-ALLESSORY BLOG!

live do sciencily doctors and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject

Albert & Baumgart

1217 Chesapeake Ave

1 Chesopeole Du

-40385 2468

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

THAN THE PRIMARY DWELLING ,

Property is to be advertised and/or posted as prescribed by Zeming Regulations

of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

It should be noted that this property is located within the Chesapeake Bay Critical Areas near Galloway Point. Accordingly, the Petitioner is required to submit a Critical Areas Findings Plan for review and approval by the Department of Environmental Protection and Resource Management (DEPRM). As such, the granting of the relief requested herein is contingent upon Petitioner's compliance with any recommendations made by DEPRM upon completion of their review.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3 Md day of September, 1992 that the Petition for Administrative Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (three-car garage with attached carport) to be located within one foot of the side property line in lieu of the required 2.5 feet; from Section 400.3 of the B.C.Z.R. to permit an accessory structure with a height of 17 feet in lieu of the permitted 15 feet; and from Section 101 of the B.C.Z.R. to permit an accessory structure (footprint) to be larger than the primary dwelling, In accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order;

> > - 2-

however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Prior to the issuance of any permits, the Petitioner shall submit a Critical Areas Findings Plan to the Department of Environmental Protection and Resource Management (DEPRM) for their review and approval. The granting of the relief requested herein is contingent upon Petitioner's compliance with any and all recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) upon completion of their review.

ities.

4) There shall be no automotive service work performed on the subject property.

LES:bjs

3) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facil-

5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

> Zoning Commissioner for Baltimore County

- 3-

THE DESCRIPTION 93-26-A 5/

ZONING DESCRIPTION FOR 1217 Chesapeske Ave

Beginning at a point on the Foot side of (north, south, east or west) (name of which is (number of feet of right-of-way wide at the distance of (number of feet) (north, south, east or of the centerline of the nearest improved intersecting street (name of (name of

west)

which is

freet)

(number of feet of right-of-way width)

#[127], Block (-), Section #(-) in the subdivision of Long Reach Estates

as recorded in Baltimore County Plat Book #(-), Folio #(131),

subdivision)

containing

Three copies of the zoning description of your property are required. Type or print this description, standard 8-1/2" x 11" sheets are acceptable. Most property

descriptions, as stated on a deed, do not have adequate information. The zoning

-3 copies required

containing 10,750 th/
(number of total square feet or acres in lot)

(property/address)

AVE

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot.

Block and Subdivision description as shown, instead

state: "As recorded in Deed Liber (), Folio ()" and include the measurements and directions (metes and bounds only) here and on the plat in the correct

Typical metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' '03" E. 87.2 ft., S.62° 19' 00" W. 318 ft.,

and N.08° 15' 22" M.80 ft. to the place of beginning.

description must be in the following form:

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

September 3, 1992

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

Mr. Albert F. Baumgart 1217 Chesapeake Avenue Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE E/S Chesapeake Avenue, 170' N of Choptank Avenue (1217 Chesapeake Avenue) 15th Election District - 5th Councilmanic District Albert F. Baumgart - Petitioner Case No. 93-26-A

Dear Mr. Baumgart:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Very truly yours, Moverel School

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

cc: Chesapeake Bay Critical Areas Commission 45 Calvert Street, 2nd Floor, Annapolis, Md. 21401 DEPRM

People's Counsel

Albert F. Bay my ort Location of property: F/S Chas a pook. Are 170' N/ Chastork An 1217 Cho ? pooks A-4 Location of Signer For your way, on freparty of le titioner No Poloused Posted by Millealex

PETITIONER: ALBERT BAYMGART 1/mc 335-2418 ADDRESS: (Astsite): 1217 Champanke Acc. 21220

Georgia and D. M. Chillich LA COMMENTARIO, DV 92

Date 7-29-92

ADMIN. VARIANCE

A PUBLIC HEARING BAYING BEEN REQUESTED AND/OR POUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner Of Baltimore County, this ______day of _____, 19___,that the subject matter of this petition be set in for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two namepapers of general circulation throughout Baltimore County, and that the property be reported.

AFFIDAVIT IN SUPPORT OF ADMINISTRATIVE VARIANCE That the Afficiat(s) downto presently reside at 1217 Cheszke Ave I hired a builder to construct this I 2350med that he handled buffer what I hanted he sold he would obtain VZVIDNEE DUT The builder never for (a) havein, personnily known or satisfactorily identified to me as such Afficially), and mack-path in due form of law was and finite hareholders and furth are true and correct to the best of his/per/heir knowledge and belief.

Please Make Checks Psyable To: Baltin ore County

H9300031

\$50.00

\$35.00

(410) 887-3353

7703.8

Mr. Albert F. Baumgart 1217 Chesapeake Avenue Baltimore, MD 21220

> RE: Item No. 31, Case No. 93-26-A Petitioner: Albert F. Baumgart Petition for Administrative Variance

Dear Mr. Baumgart:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 29nh day of July, 1992

ARNOLD JABION
DIRECTOR

Received By:

Chairman,
Zoning Plans Advisory Committee

Petitioner: Albert F. Baumgart
Petitioner's Attorney:

Printed on Recycled Paper

Development Review Commy 7B, 21, 73 Authorized signature Kolan Dowling File Number Waiver Number Meeting Date Stonegate at Patapaco (Azreal Property) ZON DED TE (Waiting for developer to submit plans first) Theresa A. Mahistedt 7-13-98 COUNT 1 Owings Run Apartments DED DEPRH (SWM) (EIRD) COUNT I Alfred Pinkard a-1,,-92 DED DEPRM RP STP TF Bee Tree Partnership DED DEPRM RP STP TE Albert F. Baumgart DED DEPRM RP STP TE Edith B. Ransom DED DEPRM RP STP TE Michael And Patricia A. Perholtz 33 W/C DED DEPRM RP STP TE Charles C.. Sr. And Patricia G. Chelbda DED DEPRM RP STP TE COUNT 6

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 11, 1992
Zoning Administration and
Development Management

I: Ervin McDaniel, Chief
Office of Planning and Zoning
Development Review Section

PAID PER HAND-WRITTEN RECEIPT DATED 7/29/92

010 -ZONING VARIANCE (IRL)

LAST NAME OF OWNER: BAUMGAR

080 -POSTING SIGNS / ADVERTISING 1 X

8/03/92

PUBLIC HEARING FEES

SUBJECT: Petitions from Zoning Advisory Committee
August 10, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Item No. 28, Alfred Pinkard
Item No. 30, Bee Tree Partnership
Item No. 31, Albert Baumqart
Item No. 32 Edith Ransom

Item No. 32, Edith Ransom
Item No. 33, Michael and Patricia Perholty
Item No. 34, Charles and Patricia Chlebda

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

EM/FM/rdn

4444

AUG 25 1992
ZONING OFFICE

ITMS28.33/ZAC1

Traffic Engineering 08/21/92 Development Review Committee Response Form 🛴 Date 8/24/9 Meeting Date Stonegate at Patapsco (Azreal Property) TE (Waiting for developer to submit plans first) COUNT 1 DED DEPRM RP STP TE Bee Tree Partnership DED DEPRM RP STP TE Albert F. Baumgart 31 * DED DEPRM RP STP TE DED DEPRM RP STP TE Michael And Patricia A. Perholtz DED DEPRM RP STP TE Charles C., Sr. And Patricia G. Chelbda DED DEPRM RP STP TE Colonial Village Company Susan J. Blum COUNT 2

FINAL TOTALS

COUNT 9

7372-92 **Baltimore County Government** 700 East Joppa Road Suite 901 Towson, MD 21204-5500 (410) 887-4500 AUGUST 6, 1992 Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 ZONING OFFICE RE: Property Owner: ALBERT F. BAUMGART Locations \$1217 CHESAPEAKE AVENUE Item No.: *3/ (JCM) Zoning Agenda: AUGUST 10, 1992 Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property. 7. The Fire Prevention Bureau has no comments at this time. Noted and Planning Group Fire Prevention Bureau Special Inspection Division JP/KEK

Department of Recreation and Parks Development Review Committee Response Form Authorized signature Project Name File Number Zoning Issue Meeting Date / Alfred Pinkard 8-10-92 DEPRM RP / Bee Tree Partnership DEPRM RP √ Albert F. Baumgart DEPRM RP y Edith B. Ransom DEFRIT RE Michael And Patricia A. Perholtz DEPRM RP Charles C., Sr. And Patricia G. Chelbda COUNT 6 James And Linda Heier 8-24-92 DED DEPRM RP STP TE ED DEPRM RP STP TE Allan L. Snyder Et. Al. DED DEPRM RP STP TE ED DEFRIT RF 31F 15 Salvo Auto Parts DED DEPRM RP STP TE ED DEPRM RP 51P 1E Adela M. Lombardi And Florence Kunsky DED DEPRM RP STP TE No Connent Helaine G. And Melvin R. Trosch DED DPERM RP STP TE Baltimore Country Club of Baltimore City ED DPERM RP STP TE No Commant DED DPERM RP STP TE

93-26-A 8-31

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

Mr. Arnold Jablon, Director Zoning Administration and Development Management

DATE: September 22, 1992

FROM: J. Lawrence Pilson

SUBJECT: Zoning Item #31

1217 Chesapeake Avenue - Long Beach Estates Zoning Advisory Committee Meeting of August 10, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

The Department of Environmental Protection and Resource Management requests an extension for the review of the above referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Division of the Department at 887-2904 for details.

LP:sp

LONGB/TXTSBP

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

August 5, 1992

(410) 887-3353

111 West Chesapeake Avenue Towson, MD 21204

> Albert F. Beungart 1217 Chemapeaks Avenue Baltimore, Haryland 21220

Re: CASE NUMBER: 93-26-A
LOCATION: E/S Chesapeake Avenue, 170° N of Choptank Avenue
1217 Chesapeake Avenue
15th Election District - 5th Councilmenic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before August 16, 1992. The closing date is August 31, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) dany the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, demied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Pailure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schmidt ming Commissioner, Baltimore County Baltimore County Office of Zoning Administration and Development Management

111 West Chesapeake Avenue

Towson, Maryland 21204

Date July 23 1992

and has no objection to granting relief.

The undersigned, residing at, and owning the property at 3308 Cheptenk Road (Lot 125) which is contiguous with subject garage is aware of the pending petition for residential variance for subject garage

Neclie B. Reanie Rellie E. Boumport Balt:more County Office of Zoning Administration and Development Management

111 West Chesapeake Avenue
Towson, Maryland 21204

Date July 27 1992

The undersigned, owner of the property known as

1215 Chesapeake Ave (2 of 107 127)

which is contiguous with subject garage is aware of the

pending petition for residential variance for subject garage and has no objection to granting relief.

Morman & Baumyant

Printed on Recursed Pa

Printed on Recycled Paper



P 93-26 ■A

#31

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#31

Baltimore County Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, Maryland 21204

Date July 28, 1992

The undersigned, owner of the property known as 1219 Chc32 (C2) (Lot 128) which is contiguous with subject garage is aware of the pending petition for residential variance for subject garage and has no objection to granting relief.

Buthe Casson

Thomas Casson

